

AMENDED IN ASSEMBLY JULY 22, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 10, 1997

## SENATE BILL

No. 445

### Introduced by Senator Monteith

February 19, 1997

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An act to add ~~Sections 12803 and 12804~~ *Section 12803* to the Food and Agricultural Code, relating to agriculture.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 445, as amended, Monteith. Pesticides.

Existing law requires every manufacturer of, importer of, or dealer in any pesticide, except as specified, to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale in this state.

This bill would permit the Director of Pesticide Regulation to exempt from the provisions governing the registration of pesticides certain products that are ~~not defined as pesticides~~ *exempt* under the federal Insecticide, Fungicide, and Rodenticide Act, *and* that are ~~exempt from registration pursuant to particular provisions of determined to be of a character unnecessary to be subject to that act, or that are allowed to be used under a federal experimental use permit pursuant to that act.~~ However, certain of these substances ~~would be subject to the mill tax on pesticides in this state, and would be regulated as restricted materials under this bill. The bill would require the department to report to the Legislature during the annual budget process on the revenue loss~~

~~associated with any exemption granted by the director pursuant to the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12803 is added to the Food and  
2 Agricultural Code, to read:

3 ~~12803. (a) The director, by regulation, may exempt~~  
4 *12803. The director, by regulation, may exempt from*  
5 *all or part of the requirements of this division a pesticide*  
6 *exempted pursuant to 25(b) of the federal Insecticide,*  
7 *Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136w (b))*  
8 *as a pesticide that is determined to be of a character*  
9 *unnecessary to be subject to that act, if both of the*  
10 *following apply:*

11 *(a) The director individually evaluates each listed*  
12 *substance exempted pursuant to the federal authority*  
13 *and concurs in the decision by the United States*  
14 *Environmental Protection Agency Administrator to*  
15 *exempt that substance.*

16 *(b) The director excludes from the exempting*  
17 *regulation those specific requirements of this division*  
18 *that may otherwise be applicable that are necessary to*  
19 *protect the public health or the environment.*  
20 *Notwithstanding any other provision of law, the director*  
21 *shall retain authority to regulate any substance exempted*  
22 *pursuant to this section whether registered or not.*

23 ~~from all or part of the requirements of this division any~~  
24 ~~pesticide that meets one or more of the following criteria:~~

25 ~~(1) The pesticide is not defined as a pesticide under~~  
26 ~~the federal Insecticide, Fungicide, and Rodenticide Act~~  
27 ~~(7 U.S.C. Sec. 136 et seq.), or the implementing~~  
28 ~~regulations.~~

29 ~~(2) The pesticide is exempt pursuant to Section 25(b)~~  
30 ~~of the federal Insecticide, Fungicide, and Rodenticide~~  
31 ~~Act (7 U.S.C. Sec. 136w (b)).~~

32 ~~(3) The pesticide is allowed to be used under a federal~~  
33 ~~experimental use permit issued pursuant to Section 5 of~~

~~the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136e).~~

~~(b) Notwithstanding Section 7550.5 of the Government Code, the department shall report to the Legislature during the annual budget process on the revenue loss associated with any exemption granted by the director pursuant to subdivision (a).~~

~~SEC. 2. Section 12804 is added to the Food and Agricultural Code, to read:~~

~~12804. A seller who first sells in California a pesticide exempt from registration pursuant to Section 18 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136p) is subject to Article 4.5 (commencing with Section 12841) and the product shall be regulated as a California restricted material pursuant to Chapter 3 (commencing with Section 14001) and any regulations adopted pursuant to that chapter.~~